IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11386 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NAYANABEN SHAILESHBHAI PATEL

Versus

UNION OF INDIA & ANR.

Appearance:

1. Special Civil Application No. 11386 of 2001

MR HASMUKH C PATEL for Petitioner

MR DN PATEL for Respondents No. 1-2

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 07/12/2001

ORAL JUDGEMENT

1. Rule. Mr. D.N. Patel, learned Standing Counsel for the respondent authority, appears and waives service of Rule.

2. By means of this petition, the petitioner has sought for a direction to the respondent authority to correct the date of birth of the petitioner as 18/03/1963 in the passport instead of 18/03/1962, which is wrongly mentioned in the school leaving certificate. It is stated by the petitioner that the correct date of birth of the petitioner is 18/03/1963 as mentioned in the birth certificate. But, due to some inadvertence the date of birth of the petitioner is wrongly mentioned in school leaving certificate as 18/03/1962.

3. The petitioner has moved before the respondent authority concerned for correction of the birth date in the passport. But, the respondent authority has not entertained the request of the petitioner and informed the petitioner that it has no power or authority to make such correction in the birth date of the petitioner unless and until an order is passed by the Court of law.

4. In the facts and circumstances of this case, this application is disposed of finally and the respondent authority concerned is directed to entertain, consider and decide the application, which shall be made by the petitioner, in accordance with law. In case of decision being in favour of the petitioner, make correction with regard to the date of birth of the petitioner as 18/03/1963 instead of 18/03/1962 in the passport on the basis of the birth certificate produced by the petitioner and to issue the passport with correct date of birth of the petitioner, within four weeks from the date of receipt of writ of this Court or certified copy of this order whichever is earlier. The respondent authority will be at liberty to pass appropriate order with regard to the costs of these proceedings.

5. With the above directions and observations, this petition is disposed of. Rule is made absolute to the aforesaid extent only. No order as to costs. Direct service is permitted.

(Ravi R. Tripathi, J.)

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